

RAO ONGARO LLP
 Anthony J. Rao (SBN 173512)
arao@rao-ongaro.com
 90 Park Avenue, 18th Floor
 New York, NY 10016
 Telephone: (212) 455-9255
 Facsimile: (212) 297-0555

Attorneys for Defendant
 GENESIS LOGISTICS, INC.

KINGSLEY & KINGSLEY, APC
 George R. Kingsley (SBN 38022)
 Eric B. Kingsley (SBN 185123)
 16133 Ventura Bl., Suite 700
 Encino, CA 91436
 (818) 990-8300, Fax (818) 990-2903

LAW OFFICES OF SHAUN SETAREH
 Shaun Setareh (SBN 204514)
 9454 Wilshire Boulevard, Penthouse Suite 3
 Beverly Hills, CA 90212
 (310) 888-7771

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

TIM O'NEILL, an individual; on behalf of
 himself and all others similarly situated,

Plaintiff,

v.

GENESIS LOGISTICS, INC. and DOES 1
 through 10, inclusive

Defendants.

Case No. CV08-4107 SI

**STIPULATION AND PROPOSED
 ORDER TO CONTINUE JANUARY 15,
 2010 CASE MANAGEMENT
 CONFERENCE**

Judge: Honorable Susan Illston
 Ctrm: 10, 19th floor
 Date/Time: 1/15/10, 2:30 PM

WHEREAS on December 3, 2010 the parties participated in an early mediation before
 Mediator Jeffrey Krivis in Los Angeles, California;

WHEREAS the matter was not settled at the mediation but the parties continued
 settlement discussions with Mr. Krivis until December 22, 2009;

1 **WHEREAS** on December 22, 2009, the parties agreed to settle the class claims and as
2 part of the settlement, on December 23, 2009, plaintiff notified the Labor and Workforce
3 Development Agency of the existence of a Private Attorney General Act claim;

4 **WHEREAS** the parties are preparing a joint motion: (1) provisionally certifying a
5 settlement class, (2) preliminarily approving class settlement, (3) directing distribution of notice
6 of settlement and opportunity to opt out, and (4) setting a hearing for final approval of the
7 proposed settlement agreement; as well as preparing a proposed notice of settlement, proposed
8 instructions, and claim form for Court approval;

9 **IT IS HEREBY STIPULATED:**

10 The January 15, 2010 Case Management Conference is continued so the parties can
11 negotiate, prepare and submit the above-mentioned class settlement documents for Court
12 approval and finalize settlement.

13
14 DATED: January 6, 2010

RAO ONGARO LLP

15 By _____/s/_____
16 Anthony J. Rao

17 Attorneys for Defendant
GENESIS LOGISTICS, INC.

18 DATED: January 6, 2010

LAW OFFICES OF SHAUN SETARAH

19
20 By _____/s/_____
Shaun Setarah

21 Attorneys for Plaintiff
22 TIM O'NEILL on behalf of himself and all others
23 similarly situated

24 **FOR GOOD CAUSE, THE FOREGOING STIPULATION IS APPROVED AND IS SO**
25 **ORDERED.** The Court continues the Case Management Conference to
26 February 26, 2010, at 2:30 a.m.

27 DATED: _____



28 _____
Honorable Susan Illston